

REMARKS

Reconsideration and allowance of this application are respectfully requested.

By this Amendment, claims 1, 2, 11, 14, 16, 38, 39, 42, and 45 have been amended and new claims 48-52 have been added. Claims 17-37 were previously canceled. No claims have been canceled by this amendment. No new matter has been added by these amendments.

Support for the amendment to claim 1 is found in the application as filed, e.g., in Fig. 2 and at pg. 14, lines 6-12 (“A first computing device 210 and a second computing device 220 are capable of accessing a common network 270.The first and second computing devices 210, 220 both comprise a peer to peer application 240 and a Resource Usage Verification Module (“RUVVM”, also referred to as “trusted entity”) 250 and 250a...”). See also, “The Resource Usage Verification Module 250, 250a (RUVVM) are trusted applications ...” *Id.* pg. 15, lines 3-4; and “The RUVVM is a trusted entity ...” pg. 20, line 18.

See also, e.g., “RUVVM ... may be a separate application that communicates with the peer to peer client application through a pre-designated interface, a module that is integrated into the peer to peer application itself, a module that is integrated into the operating system of the computing device, or a remotely located module that is accessed by the peer to peer application through a data network.” Pg. 15, lines 7-13.

Additionally, the term “computer” in the claims has been replaced with the term “computing device”. The application as filed also makes clear that the term “a computing device” would encompass a computer (see, e.g., pg. 11, lines 21-27, “As used herein, the term computing devices broadly encompasses any type of computing device that could be placed in data communication with a network. For

example, the computing device could be any one of a personal computer, laptop, personal data assistant, mobile phone, wireless email manager, media player, computing tablet, set-top box, networked DVD player, or other type of network access device.” See also pg. 1, lines 15-17.)

Claims 1 to 16 and 38 to 52 are pending in this application, of which claim 47 has been withdrawn.

REJECTION UNDER § 112, ¶1

The Examiner previously rejected claims 1-16 and 38-46 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

Specifically, according to the Examiner (in the Office Action of 12/15/2008, pg. 4, §10):

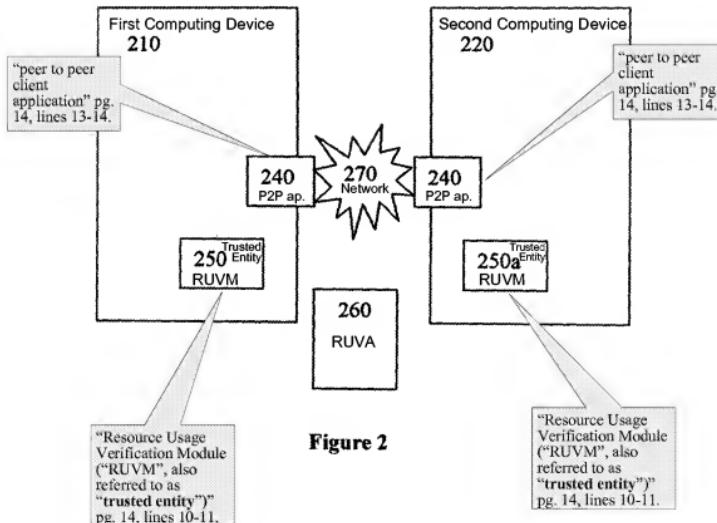
Claim 1, for example, recites “associating a first trusted entity with the first computer” and further recites “associating a second trusted entity with the second computer”. The Examiner asserts that there is no support in Applicant’s original specification supporting the limitations above. Specifically, no support exists for a “first computer” and a “second computer” being associated with the first or second computer [sic].

Then, in the *Advisory Action* of 07/01/2009, the Examiner stated:

In regards to the 112-1st rejection:: ... the Examiner still submits that the limitations.

"associating a first trusted entity with the first computer" and "associating a second trusted entity with the second computer" lack support in Applicants' original [sic] specification.

The Examiner's attention is again respectfully drawn to application Figure 2, which "is a diagram depicting a plurality of components used in one embodiment of the present invention." (Application as filed, pg. 10, lines 9-10). An annotated version of Figure 2 is reproduced below (for the Examiner's convenience and for the purposes of this discussion):



As can be seen from the above Fig. 2, the "first computing device 210" has Resource Usage Verification Module (RUVVM) 250 associated therewith. And the "second computing device 220" has RUVVM 250a associated therewith. The

application as filed specifically states that the “RUVVM” is also referred to as a “trusted entity”. *Application as filed*, pg. 14, lines 10-11. Thus the first computing device 210 has a first trusted entity (RUVVM 250) associated therewith, and the second computing device 220 has a second trusted entity (RUVVM 250a) associated therewith. There is thus support in the application as filed for the language “associating a first trusted entity with the first computing device” and similarly, for “associating a second trusted entity with the second computing device.”

The above quoted sections are only examples of support for the claims in the application as filed, and are not intended to limit the scope of the claims in any way.

For at least these reasons, the rejection under §112, ¶1 should not stand.

In order to expedite prosecution of this application, claim 1 has been amended to recite “said first computing device being in data communication with a first trusted entity, and said second computing device being in data communication with a second trusted entity” in the preamble thereof.

THE PRIOR ART REJECTIONS

The Examiner previously rejected claims 1- 9, 12-16 and 38- 42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,871,232 (Curie) in view of U.S. Patent Publication No. 2003/0093695 (Dutta). The grounds for this rejection are respectfully traversed in view of the above amendments and the following remarks.

Computer users in certain distributed computer networks (such as, e.g., peer-to-peer (P2P) networks) can benefit from sharing resources. For example, a particular computer in a P2P network may offer its storage to other computers in the network. Or a computer in a P2P network may let other computers use its

processor or some other resources. The performance and functionality of many P2P networks improve as more computers in the networks share resources. The inventors realized that it would be desirable to reward computer users for sharing their computer resources with others. However, as the inventors also realized, neither the “buyer” nor the “seller” of a resource is a trusted party, and so any reward mechanism is subject to misuse and abuse. For example, if a first user claims to have allowed a second user to use his computer’s storage, some form of verification is needed to ensure that the first user is not paid (rewarded) if that claim is untrue (i.e., if the first user never made his storage available to the second user). (See generally discussion at ¶0009-0010.)

Thus, as stated in the Abstract of the Disclosure, “[t]he present invention is directed toward monitoring resource usage in an architecture where neither the resource buyer nor the resource seller can be trusted, and for rewarding benefits, compensation, or rewards based upon such monitored resource usage data. The system rewards users who offer to share the memory, storage, or bandwidth of their computing resource to third parties within a distributed network.” “The present invention provides methods and systems for measuring resource usage in a distributed information network, where parties engaging in resource sharing transactions cannot be trusted, and for rewarding users who share resources.” ¶0018. (See also, ¶¶0039, 0047.)

In one aspect, the invention performs a redundancy check to ensure that a transaction is not a repeat transaction. This check prevents two computers from performing and being rewarded for multiple “sham” transactions.

Claim 1 states that the resource usage verification authority (RUVA) server uses the issued ticket and the modified ticket to determine the extent of resources provided by the second computing device to the first computing device. Since the modified ticket is modified by a trusted entity associated with the second

computing device, the RUVA server can rely on the information in the modified ticket to reflect what resources were actually provided by the second computing device to the first computing device. This approach prevents the second computing device from obtaining unearned rewards.

Other aspects of the invention, e.g., as recited in claim 10, prevent the first and second computing devices from obtaining unearned rewards for simply repeatedly downloading a file. The redundancy check will detect such fraudulent attempts.

The Examiner acknowledges that Currie does not disclose modifying a ticket or comparing a ticket to a modified ticket. (Office Action, §18, pg. 7). However, the Examiner asserts that Dutta overcomes the limitations in Currie. According to the Examiner, “Dutta does explicitly disclose … the second trusted entity modify the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer.” Applicant respectfully disagrees and respectfully submits that Dutta lacks any teaching or suggestion of the claimed step “(F) the second trusted entity modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computing device to said first computing device.”

Dutta relates to secure handling of stored-value data objects, and, more particularly, to securely managing wireless device transactions involving stored value data objects. *Dutta*, ¶0002. But Dutta lacks any teaching or suggestion of any system or method that measures the extent of resources provided by one computing device to another in a distributed network.

The Examiner relies on Dutta ¶0045 supposedly to teach “utilizing said ticket and said modified ticket to determine the extent of resources provided by the

second user to the first user.” What Dutta actually teaches in that cited portion is “rapid ticket verification,” which, as Dutta explains, “entails subjecting an electronic ticket to a high level of initial scrutiny … and subsequently providing the user with a potentially less secure, short-lived, rapid verification object that may be verified more quickly than the original electronic ticket.” *Dutta ¶0045*. However, Dutta’s rapid ticket verification would not provide any information that would allow an RUVA server (or anything else) to “determine the extent of resources provided by the second computer to the first computer.” Dutta’s so-called “rapid verification object” is simply a ticket that can be quickly verified as a valid ticket. But validity of a ticket does not provide information about the extent of resources provided by one computing device to another.

Since Dutta does not measure or otherwise have any indication of “actual resources provided by said second computing device to said first computing device,” Dutta cannot be used to show the claimed step of “modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computing device to said first computing device.” And, as the Examiner has acknowledged, Currie does not have this step either. Therefore no proposed combination of Dutta and Currie, inasmuch as such a combination is even possible, would produce the invention of claim 1, including the step “D”.

The Examiner’s rejection states that “it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Curie’s teachings to include the steps (e-h) as shown above and disclosed by Dutta to authenticate the source of a ticket and to ensure that the ticket has not been altered during transmission.” However, even if this were correct (which Applicant does not accept), the step of “authenticate the source of a ticket

and to ensure that the that the ticket has not been altered during transmission” is not the same as the claimed modifying of step “D” of claim 1. The Examiner has not shown that Dutta modifies a ticket, let alone that Dutta modifies a “ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer.”

Claims 2-16 and 38-46 depend from claim 1 and are therefore patentable over Dutta and Currie for at least the reasons given above.

Since neither Dutta nor Currie teach or in any way suggest the claimed invention, withdrawal of this rejection under §103 is respectfully requested.

The Examiner rejected claims 10, 11, and 43-46 under §103 as being unpatentable over Currie and Dutta and further in view of Terretta (U.S. Publication No. 2001/0047275).

Claims 10 and 11 depend from claim 1 and are therefore patentable over Currie and Dutta for at least the reasons given above. The Examiner applies Terretta to supposedly teach the claimed redundancy checks. As the Examiner notes, Terretta prevents a user from more than one simultaneous use of content. “If the user is already receiving / viewing content, the user is denied access to the newly requested content.” *Terretta ¶0020*. What Terratta tries to achieve is ““one ticket, one seat.” *Terretta ¶0022*. Once a user disconnects from Terretta’s system, he can reconnect and download the same content. And in Terratta’s system, the same user can stay online and repeatedly download the same content.

Nothing in Terretta teaches or suggests, as recited in **claim 11**, “determining whether a file being accessed by the first computing device has

already been downloaded by said first computing device." Nor does anything in Terretta teach or in any way suggest "conducting a redundancy check."

The purpose of these redundancy checks in the invention of claims 10 and 11 is not to prevent multiple downloads. Their purpose is to prevent a user from being rewarded for such downloads.

In view of the above, withdrawal of this rejection under §103 is respectfully requested.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and an early action allowing the claims is earnestly solicited.

Should the Examiner believe that a telephone call will resolve any outstanding issues in this case, he is invited to telephone the undersigned at the number provided.

CHARGE STATEMENT: Deposit Account No. 501860, order no. **2618-0502**.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

<p>CUSTOMER NUMBER 75948</p>	<p>Respectfully submitted, By: /Brian Siritzky/ Reg. No. 37,497 _____ Brian Siritzky, Ph.D. Registration No.: 37,497</p>
<p>Davidson Berquist Jackson & Gowdey LLP 4300 Wilson Blvd., 7th Floor, Arlington, Virginia 22203 Main: (703) 894-6400 • FAX: (703) 894-6430</p>	